

provided the universal service program as a means of ensuring that residents of rural and high-cost areas receive the same high quality services and the same affordable rates as their urban counterparts. Yet universal service, one of the most important topics addressed in the Act, remains virtually unchanged by the FCC after three years despite the Commission's statutory responsibility to finish universal service reform in a "single proceeding" and within 15 months of passage of the Act. The FCC did complete a small part of the universal service mandate, the program bringing advanced services to schools and libraries. However, the Commission continues to ignore the most significant aspect of universal service reform, "the preservation and advancement of universal service" and high-cost areas. The Act commands that the Commission make the support mechanisms explicit and predictable. The Commission's failure to do so threatens the affordability of rural residential rates.

The uncertainty created by the FCC's failure to implement universal service is perpetuating the absence of local competition, especially in rural areas. As a consequence, local residential competition will remain at the current inadequate levels until the FCC addresses universal service. Congress intended that carriers providing service to residents of rural and high-cost areas would receive support for the "provision, maintenance, and upgrading of facilities and services" which would otherwise be absent in these areas. Accordingly, the Commission must make the now implicit subsidies explicit and sufficient in order to fulfill Congress' mandate.

Congress is still looking for more competition and more choice in all communications services, especially for rural residents. Let's allow the marketplace to work, which will give consumers in rural areas some real choices at affordable rates.

Mr. President, this year Congress will consider reauthorization of the FCC. I am extremely disappointed with the Commission's track record on implementation of the Act. As we contemplate legislation to change the FCC, its actions over the next several months will determine the outcome of our deliberations. I hope that the FCC will complete the universal service proceeding by July 1, and act in a manner consistent with the Act. I will not accept a universal service proceeding that puts upward pressure on rural rates, and I will hold the FCC accountable if it fails to comply with the Act.●

TRIBUTE TO BRIGADIER GENERAL RANDALL M. "MARK" SCHMIDT

● Mr. CRAIG. Mr. President, it is my distinct privilege to rise today to thank Brigadier General Randall M. "Mark" Schmidt for his service as commander of the 366th Wing, Mountain Home Air Force Base, Idaho. Gen-

eral Schmidt has been at Mountain Home since August of 1997, and will soon move on to reassignment as commander, Joint Task Force, Southwest Asia.

I have long been proud of the 366th Wing. The Wing's motto is, "Anywhere, anytime." Mountain Home is unique because it is the Air Force's only air intervention composite wing. The 366th is ready to deploy on a moment's notice with its own integrated command, control, communications, and intelligence capabilities. The Wing is a composite force already built and trained, ready to fight and intervene anytime, any where. However, it is clear that the reason this concept has been a success is because of the dedicated patriots who have had the privilege to serve at Mountain Home. Commander Schmidt has exemplified that tradition.

By all accounts, General Schmidt's service has been nothing short of extraordinary. He has made the goal of "one community" a reality at Mountain Home. He has integrated every airman, regardless of rank, to be part of the 366th team. He puts his words into action. The biggest testament to his talent is the fine work of men and women who are part of the 366th. Indeed, Mountain Home and Idaho have been fortunate to have him.

However, Commander Schmidt's talents do not come as a surprise to me. As a Westerner, a former rancher, and a history buff, I have always been captivated by the pioneer spirit. It is that spirit which brought many of our ancestors to America, and some of them across America to settle in the West. It is that same spirit that isn't afraid of challenges, hardships or hard work, which can be measured and found throughout this great nation, and is at certainly home in the men and women of the United States Air Force.

In addition to saying thank you, let me also take this opportunity to congratulate Commander Schmidt. Secretary Cohen has selected him to be one of a small, select group of Brigadier Generals nominated for promotion to Major General. As he prepares to leave for the desert to serve on joint command, I hope and believe that he will always consider himself an Idahoan.

General Schmidt, thank you, congratulations, and godspeed.●

NINTH CIRCUIT DIVISION

● Mr. MURKOWSKI. Mr. President, today I rise to clarify a production and printing problem that occurred with regard to the CONGRESSIONAL RECORD. On January 19, 1999, I, with my distinguished colleague from the State of Washington, Senator GORTON, introduced legislation to reorganize the Ninth Circuit Court of Appeals. Unfortunately, the legislation we introduced, S. 186, was an incorrect draft. I reintroduced the correct draft as S. 253. However, through a glitch in the pub-

lishing of the RECORD, the incorrect language of the bill was again reproduced in the RECORD.

The language appearing in today's record is the correct language of S. 253. This language is identical to the recommendation of the White Commission, the congressionally-mandated Commission structured to study the alignment of the U.S. Court of Appeals.

Mr. President, I ask that the "star print" of S. 253, the Ninth Circuit Reorganization Act of 1999, be printed in the RECORD.

The material follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Ninth Circuit Reorganization Act of 1999".

SEC. 2. DIVISIONAL ORGANIZATION OF THE COURT OF APPEALS FOR THE NINTH CIRCUIT.

(a) REGIONAL DIVISIONS.—Effective 180 days after the date of enactment of this Act, the United States Court of Appeals for the Ninth Circuit shall be organized into 3 regional divisions designated as the Northern Division, the Middle Division, and the Southern Division, and a nonregional division designated as the Circuit Division.

(b) REVIEW OF DECISIONS.—

(1) NONAPPLICATION OF SECTION 1294.—Section 1294 of title 28, United States Code, shall not apply to the Ninth Circuit Court of Appeals. The review of district court decisions shall be governed as provided in this subsection.

(2) REVIEW.—Except as provided in sections 1292(c), 1292(d), and 1295 of title 28, United States Code, once the court is organized into divisions, appeals from reviewable decisions of the district and territorial courts located within the Ninth Circuit shall be taken to the regional divisions of the Ninth Circuit Court of Appeals as follows:

(A) Appeals from the districts of Alaska, Idaho, Montana, Oregon, Eastern Washington, and Western Washington shall be taken to the Northern Division.

(B) Appeals from the districts of Eastern California, Northern California, Guam, Hawaii, Nevada, and the Northern Mariana Islands shall be taken to the Middle Division.

(C) Appeals from the districts of Arizona, Central California, and Southern California shall be taken to the Southern Division.

(D) Appeals from the Tax Court, petitions to enforce the orders of administrative agencies, and other proceedings within the court of appeals' jurisdiction that do not involve review of district court actions shall be filed in the court of appeals and assigned to the division that would have jurisdiction over the matter if the division were a separate court of appeals.

(3) ASSIGNMENT OF JUDGES.—Each regional division shall include from 7 to 11 judges of the court of appeals in active status. A majority of the judges assigned to each division shall reside within the judicial districts that are within the division's jurisdiction as specified in paragraph (2), except that judges may be assigned to serve for specified, staggered terms of 3 years or more, in a division in which they do not reside. Such judges shall be assigned at random, by means determined by the court, in such numbers as necessary to enable the divisions to function effectively. Judges in senior status may be assigned to regional divisions in accordance with policies adopted by the court of appeals. Any judge assigned to 1 division may be assigned by the chief judge of the circuit for